

LEWIS  
AND

ROCA  
LLP

L A W Y E R S

E-Filed on 3/19/07

3993 Howard Hughes Parkway, Suite 600  
Las Vegas, NV 89169-5996  
Facsimile (702) 949-8321  
Telephone (702) 949-8320

Susan M. Freeman AZ State Bar No. 004199  
Email: sfreeman@lrlaw.com  
Rob Charles NV State Bar No. 006593  
Email: rcharles@lrlaw.com

Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE  
COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,

USA CAPITAL DIVERSIFIED TRUST DEED  
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND,  
LLC,

USA SECURITIES, LLC,

Debtors.

**Affects:**

- All Debtors
- × USA Commercial Mortgage Company
- USA Capital Realty Advisors, LLC
- USA Capital Diversified Trust Deed Fund, LLC
- USA Capital First Trust Deed Fund, LLC
- USA Securities, LLC

Case No. BK-S-06-10725-LBR  
Case No. BK-S-06-10726-LBR  
Case No. BK-S-06-10727-LBR  
Case No. BK-S-06-10728-LBR  
Case No. BK-S-06-10729-LBR

**CHAPTER 11**

Jointly Administered Under Case No. BK-S-  
06-10725 LBR

**NOTICE OF HEARING REGARDING  
USACM LIQUIDATING TRUST'S  
OBJECTION TO CLAIMS FILED BY  
HASPINOV, LLC, RESERVATION OF  
COUNTERCLAIMS, AND  
ALTERNATIVE MOTION TO  
CLASSIFY IN PLAN CLASS A-7**

Hearing Date: April 26, 2007

Hearing Time: 9:30 a.m.

**THE USACM LIQUIDATING TRUST IS OBJECTING TO THE CLAIM THAT  
YOU FILED. THE DEADLINE TO RESPOND TO THE OBJECTION IS APRIL  
19, 2007. PLEASE DO NOT CONTACT THE CLERK OF THE BANKRUPTCY  
COURT TO DISCUSS THE MERITS OF YOUR CLAIM. QUESTIONS  
REGARDING THE AMOUNT OF A CLAIM OR THE FILING OF A CLAIM  
SHOULD BE DIRECTED TO BMC GROUP AT 888-909-0100, OR  
[WWW.BMCGROUP.COM/USACMC](http://WWW.BMCGROUP.COM/USACMC), or to the undersigned counsel.**

**NOTICE IS HEREBY GIVEN** that the USACM Liquidating Trust (“USACM Trust”) by and through its counsel, has filed an Objection to Claims Filed by Haspinov, LLC, Reservation of Counterclaims, and Alternative Motion to Classify in Plan Class A-7 (the “Objection”). USACM Trust requests that this Court enter an order, pursuant to § 502 of title 11 of the United States Code (the “Bankruptcy Code”). Generally, the USACM Liquidating Trust objects in part to the claims of Haspinov, LLC (“Haspinov”) (Claim No. 736-1, as amended by No. 736-2), and the disputed claim listed on the USACM Amended Schedules for Haspinov (jointly, the “Claim”), and moves this Court for an order determining that the Haspinov Claim is included in Class A-7 as a Subordinated Claim under the confirmed Third Amended Joint Chapter 11 Plan of Reorganization (“Plan”), and alternatively objecting to the Claim in part and reserving the right to file counterclaims against Haspinov.

**NOTICE IS FURTHER GIVEN** that the hearing on the Objection will be held before the Honorable Linda B. Riegler, U.S. Bankruptcy Court Judge in the Foley Federal Building, 300 Las Vegas Blvd. South, 3<sup>rd</sup> Floor, Courtroom No. 1, Las Vegas, Nevada on April 26, 2007, at the hour of 9:30 a.m.

**NOTICE IS FURTHER GIVEN THAT THE HEARING SET ON APRIL 26, 2007, WILL BE HELD FOR THE PURPOSE OF STATUS CHECKS AND SCHEDULING EVIDENTIARY HEARINGS ONLY. NO ARGUMENTS WILL BE HEARD ON THAT DATE.**

**NOTICE IS FURTHER GIVEN** that any response to the Objection must be filed by April 19, 2007 pursuant to Local Rule 3007(b), which states:

If an objection to a claim is opposed, a written response must be filed and served on the objecting party at least 5 business days before the scheduled hearing. A response is deemed sufficient if it states that written documentation in support of the proof of claim has already been provided to the objecting party and that the documentation will be provided at any evidentiary hearing or trial on that matter.

LEWIS  
AND  
ROCA  
LLP  
LAWYERS

1 If you object to the relief requested, you *must* file a **WRITTEN** response to this  
2 pleading with the Court. You *must* also serve your written response on the person who  
3 sent you this notice.

4 Please be advised that Local Rule 3007(c) provides in part: "If a written response is  
5 not timely filed and served, the court may grant the objection without calling the matter  
6 and without receiving arguments or evidence." If you do not file a written response with  
7 the Court, or if you do not serve your written response on the person who sent you this  
8 notice, then:

- 9
- 10 • The Court may *refuse to allow you to speak* at the scheduled hearing; and
  - 11 • The Court may *rule against you* without formally calling the matter at the hearing.

12 Dated: March 19, 2007.

13 **LEWIS AND ROCA LLP**

14  
15 By: /s/ RC (#6593)

Susan M. Freeman, AZ 4199 (*pro hac vice*)

Rob Charles, NV 6593

3993 Howard Hughes Parkway, Suite 600

Las Vegas, Nevada 89169-5996

Facsimile (702) 949-8321

Telephone (702) 949-8320

*Counsel for USACM Liquidating Trust*

LEWIS  
AND  
ROCA  
LLP  
LAWYERS

Proof of Service

Copy of the foregoing e-mailed on this 19th day of March, 2007 to all parties listed on the master service list with e-mail addresses, and e-mailed to the following party:

Pecos Professional Park Limited Partnership  
c/o Jeffrey R. Sylvester, Esq.  
Sylvester & Polednak, Ltd.  
7371 Prairie Falcon Road  
Suite 120  
Las Vegas, NV 89128  
Email: jeff@sylvesterpolednak.com

s/ Christine E. Laurel

Christine E. Laurel  
Lewis and Roca LLP